

Assemblyman
PAUL KORETZ
Forty-second Assembly District

proudly representing the communities of West Hollywood, Beverly Hills, Los Angeles, Century City, Westwood, Bel Air, Brentwood, West Los Angeles, Hollywood, Hancock Park, Universal City, Studio City, and Sherman Oaks



For Immediate Release
August 29, 2005

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Organ Transplants for Patients with HIV

CA Legislature Passes Bill to Prohibit Insurance Coverage Denials Based Solely on HIV Status

(Sacramento) – AB 228, authored by Assemblyman Paul Koretz (D-West Hollywood), has passed the California Legislature with bipartisan support and now goes to Governor Schwarzenegger for signature or veto. The bill is the first in the nation to prohibit insurers from denying coverage for organ transplants based solely on a patient's HIV status.

"The passage of AB 228 sends a message to the nation that patients with HIV should not be denied access to organ transplantation simply because of their HIV status. There are many reasons why a patient with HIV may not be suitable for a transplant, but the sole fact that they are HIV positive is no longer considered a legitimate reason at many transplant centers," said Assemblyman Koretz.

Historically, HIV-positive patients have not been considered suitable candidates for organ transplantation due to their relatively shortened lifespan. Today, anti-retroviral medications have greatly extended the life expectancy of persons living with HIV infection, and studies have shown that organ transplants in qualified patients with HIV lead to outcomes similar to non-HIV infected patients.

Over the past few years California health plans and health insurers have been paying for transplants in patients with HIV who are deemed suitable by transplantation specialists. However, outside California some health insurers have continued to deny coverage because the procedures are deemed to be experimental in nature. Since these transplants have become possible, coverage denials in Iowa, Pennsylvania, Colorado, Maryland, New Jersey and California have been overturned through internal reviews or appeals to government authorities. Supporters of the California legislation say that because there have been only 44 transplants in patients with HIV in California, not every insurer in the state has encountered this situation and may repeat the mistakes that continue to occur in other states.

Ruel Nollado is Co-Chair of the Southern California HIV Advocacy Coalition (SCHAC), a group of AIDS service providers and HIV positive individuals who sponsored AB 228. "These denials are based on outdated views of HIV as an imminently terminal illness and a lack of awareness about the rapidly advancing science in organ transplantation and HIV. Unfortunately, patients in need of a transplant simply don't have the time and energy to appeal an unnecessary denial," said Nollado.

Dr. Michelle Roland is a leading HIV and transplantation researcher with the Positive Health Program at San Francisco General Hospital and the University of California San Francisco. "UCSF has been at the forefront of addressing the scientific questions and developing clinical care models for these patients. Although we have not had problems with private insurance coverage in the last few years in California, our colleagues around the country have. AB 228 will ensure that California stays at the forefront of compassionate and effective medicine for all our residents," said Dr. Roland.

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